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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 EBONIE M. BLACKFOREST

CASE NO. C10-05817 BHS

11
12 Plaintiff,

REPORT AND RECOMMENDATION ON
STIPULATED MOTION FOR REMAND

13 v.

14 MICHAEL J. ASTRUE, Commissioner of the
Social Security Administration,

15 Defendant.

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17 This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28
18 U.S.C. § 636(b)(1)(B) and Local Magistrate Judge Rule MJR 4(a)(4), and as authorized by
19 Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court
20 on defendant's stipulated motion to remand the matter to the administration for further
21 consideration (ECF No. 21).


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23 After reviewing the stipulated motion and the remaining record, the undersigned
24 recommends that the Court grant defendant's motion, and reverse and remand this matter to the
25 Commissioner.
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1 The Administrative Law Judge assigned to this matter on remand (hereinafter “the ALJ”)
2 should update the treatment evidence of plaintiff’s medical condition; address the diagnoses of
3 Schizotypal Personality Disorder, Borderline Personality Disorder, and Dysthymic Disorder;
4 secure evidence from an appropriately qualified medical expert to help resolve the severity of
5 plaintiff’s mental condition; articulate how the ALJ has evaluated the severity of all medically
6 determinable mental impairments under the special technique mandated by 20 C.F.R. §
7 416.920a; consider the credibility of plaintiff’s subjective complaints based on the updated
8 record; evaluate the lay witness testimony, including written testimony; further evaluate the
9 medical opinions of record and explain the reasons for the weight given to the opinion evidence;
10 further consider plaintiff’s residual functional capacity based on the updated record; and, secure
11 supplemental evidence from a vocational expert.
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13 This Court recommends that the ALJ take any other actions necessary to develop the
14 record. In addition, plaintiff should be allowed to submit additional evidence and arguments to
15 the ALJ on remand.
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17 Based on the relevant record and the parties’ stipulation, the undersigned recommends
18 that the Court immediately grant defendant’s motion and **REVERSE** the Commissioner’s
19 decision pursuant to sentence four of 42 U.S.C. §405(g), with a **REMAND** of the cause to the
20 Commissioner for further proceedings. See Melkonyan v. Sullivan, 501 U.S. 89 (1991).
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22 DATED at this 1st day of July, 2011.

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25 J. Richard Creatura
26 United States Magistrate Judge